



COMDTINST 16750.8A
SEP 14 1999

COMMANDANT INSTRUCTION 16750.8A

Subj: FEDERAL/STATE RELATIONS - RECREATIONAL BOATING SAFETY

1. PURPOSE. This Instruction sets forth policies and guidelines for district commanders to enter into cooperative agreements and other arrangements with the States and local subdivisions to carry out the purposes of the State recreational boating safety program authorized by Chapter 131 of Title 46, United States Code.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff offices at Headquarters shall comply with the contents of this Instruction.
3. DIRECTIVES AFFECTED. Federal/State Relations - Recreational Boating Safety, COMDTINST M16750.8 is cancelled.
4. OBJECTIVE. Chapter 131 of Title 46, United States Code, authorizes Federal financial assistance to States having accepted boating safety programs. To be eligible to receive Federal assistance, a State must have a cooperative boating safety assistance program with the Coast Guard. The use of written agreements with the States is required. The goal of cooperative agreements between the States and the Coast Guard is to encourage the States to assume the major role in carrying out boating safety activities within their jurisdictions. This Instruction is a reference to elements that may be included in boating safety cooperative agreements with States.
5. DISCUSSION.
 - a. The major purposes of the national recreational boating safety program are to encourage greater State participation and uniformity in boating safety efforts, and particularly to permit the States to assume the greater share of boating education, assistance, and enforcement activities.

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- b. Commandant (G-OP) is responsible for administration of the State Recreational Boating Safety financial assistance program. Within Headquarters, the day-to-day administration is managed by the Program Development and Implementation Division (G-OPB-2) of the Office of Boating Safety (G-OPB). State applications for Federal financial assistance and the associated financial reports are submitted to Commandant (G-OPB-2) for review to ensure accuracy, and to determine program compliance and certification of eligibility. Copies of applications are provided to the cognizant district upon approval.
 - c. The States have the greater share of recreational boating safety education and on-the-water enforcement activities. The primary role of the Coast Guard in relation to boating safety education and enforcement is coordination, training, liaison, monitoring program effectiveness, and public information.
 - d. This Instruction contains enclosures that promulgate procedures and policies to accomplish the purposes set forth in paragraph 1.
6. PROCEDURES. District commanders shall:
- a. Conduct Federal/State boating safety relations in accordance with the procedures and policies contained herein.
 - b. Ensure that all personnel assigned to duties affecting the boating public are familiar with the contents of this Instruction.
 - c. Advise Commandant (G-OPB) of additional subjects that should be included in future changes to this Instruction.

TERRY M. CROSS
Director of Operations Policy

Encl: (1) Federal/State Relationships
(2) Federal/State Recreational Boating Safety Cooperative Agreement
(3) Responsible District Commanders for State Boating Liaison Activities

FEDERAL / STATE RELATIONSHIPS

1. GENERAL.

- a. Purpose. Chapter 131 of Title 46, United States Code, charges the Secretary of Transportation with carrying out a national recreational boating safety program. The goal of the program is to encourage the States/Commonwealths/District of Columbia/Territories (hence forth referred to as States) to assume the major role in carrying out the boating safety mission and to foster greater development, use and enjoyment of all waters of the United States. The Secretary has delegated this authority to the Commandant, U.S. Coast Guard. The Coast Guard's emphasis is coordination of a national education effort, the training of State marine law enforcement personnel, maintaining liaison, monitoring program effectiveness, and providing public information. Federal financial assistance to the States is provided through the Boat Safety Account of the Aquatic Resources (Wallop-Breaux) Trust Fund from revenues collected on motorboat fuel taxes. Under the program, the Secretary may enter into agreements with, and allocate and distribute funds to, eligible States to assist them in developing and carrying out State recreational boating safety programs.
- b. Objective. To carry out the intent of Congress, it is necessary that a close relationship be established and maintained between the Coast Guard and the States. The district commander, through his/her Recreational Boating Safety Specialist, is the primary Coast Guard contact with the designated State agencies, usually the State Boating Law Administrator. In most cases, Commandant (G-OP) will deal with the States through the district commander. However, the authority to enter into financial agreements and provide oversight of the Federal financial assistance described in 46 U.S.C. 13101 is reserved for Commandant (G-OPB).

2. BOATING SAFETY COOPERATIVE AGREEMENTS WITH STATES.

- a. Purpose. This enclosure establishes guidelines for district commanders, under 46 U.S.C. 13109, to enter into cooperative agreements and other arrangements with the States, as defined in 46 U.S.C. 2101 and 2102, for the enforcement of boating laws and for coordinated joint efforts in such matters as search and rescue, issuing permits for regattas and marine parades, boating safety education, and training.

b. Discussion.

- (1) The scope of the total effort required to effectively execute a national boating safety program presents communication and coordination problems often unique and complex in nature. The use of written agreements as authorized by 46 U.S.C. 13109, between or among the affected agencies, is the proper vehicle for the resolution of such problems.
- (2) Provisions for a biennial review of the Federal/State agreements are necessary to ensure that the agreements are current.

c. Delegation of Authority. District commanders shall attempt to conclude cooperative agreements in conformity with this Instruction, and may redelegate this authority subject to any controls they consider necessary.

d. Guidelines.

- (1) Each cooperative agreement shall be in writing. Enclosure (2) to this Instruction is furnished as a guide for developing agreements. It contains, in addition to the text, some "justifications" under each paragraph that may prove helpful. All outstanding assistance agreements [except as noted in paragraphs 2 d (4) and 2 d (5)] shall be combined into one comprehensive agreement as soon as possible. The agreement should be written in such a way as to combine as many activities as possible. District commanders shall continue to encourage the States to include any activities omitted. Such areas shall be specifically readdressed in each scheduled joint review of the agreement. Reference to separate and supplemental agreements shall be so noted in the Cooperative Agreement.
- (2) Each State's enforcement programs and facilities must be adequate for the responsibilities assumed under the agreement. As a result, a State's enforcement authority and penalty scheme should not conflict with Federal requirements. If a State's enforcement activity is decentralized or if one State agency is not empowered to execute cooperative enforcement agreements, the district commander may enter into an agreement with more than one agency if satisfied that enforcement in support of State law is otherwise adequate.
- (3) Agreements shall contain provisions for the following:
 - (a) The specific water areas in which each party will provide primary law enforcement and safety patrols or any other agreed activity.
 - (b) Mutually acceptable conditions whereby the agreement may be terminated, reconsidered, continued, or expanded.

- (c) Identification of the legal authority and responsibilities of both parties and a provision that these are not abrogated by the agreement.
 - (d) Mutual recognition and honoring of the Coast Guard Report of Boarding Form (CG-4100) and local boat examination forms, and recognition of Coast Guard Auxiliary Courtesy Marine Examination decal, when examination includes State requirements, and similar State "safe boat" decals.
 - (e) Investigation and reporting of accidents involving recreational craft. [The Freedom of Information Act (FOIA) requires release of information from Agency files unless that information falls under one of FOIA's exemptions. Exemption (b) (3) of the FOIA requires an agency to withhold information that is specifically exempted from disclosure by a Federal statute. 46 U.S.C. 6102 (b) requires State casualty reports to be treated by the Coast Guard in the same manner State agencies would do so under State law. Accordingly, agreements shall refer to any applicable State law and where appropriate provide that the Coast Guard will handle all information received from the state in the manner required by State law. Since the State statute could be modified during the period of the agreements, reference to the State statute should be made rather than incorporating the specific limitations.]
 - (f) Training of personnel at both Federal and State facilities or through other agreed means.
 - (g) Coordination of search and rescue efforts on all waters.
 - (h) Issuing permits for marine parades and regattas.
 - (i) Coordination of public boating education efforts.
 - (j) Referral of numbering and other violations of State boating regulations to the States for civil penalty processing.
 - (k) Referral of manufacturer-related or other Federal violations to the Coast Guard for disposition.
- (4) State Aids to Navigation agreements are governed by 33 CFR Part 66.05 and are normally separate from other cooperative agreements. Since Aids to Navigation agreements impinge on Coast Guard programs not directly related to boating safety, such agreements should not be made a part of this cooperative agreement. Aids to Navigation agreements, if needed, shall incorporate the provisions described in the Code of Federal Regulations and the Aids to Navigation Administration Manual (COMDTINST M16500.7). A copy of such agreements shall be filed with Commandant (G-OPB-2).

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- (5) Group commanders may be authorized to enter into supplementary agreements with local jurisdictions provided these agreements do not conflict with the District/State agreement. A copy of such agreements shall be filed with the district Recreational Boating Safety (RBS) Specialist and Commandant (G-OPB-2).
- (6) District commanders may authorize personnel under their command who have observed violations of State or local boating laws to testify in court concerning the facts of such observations pursuant to existing instructions in 49 CFR Part 9. Coast Guard witnesses shall testify in their official capacity.

e. Responsibility. District commanders shall:

- (1) Continue efforts to negotiate agreements with States having no agreement and to update existing agreements. Direct contact at the highest level of State government may be desirable in many cases, in addition to liaison with the State Boating Law Administrator.
- (2) Be responsible for negotiation and legal review of agreements with States as listed in enclosure (3) to this Instruction.
- (3) Coordinate agreement development negotiations with other district commanders if a State is within more than one Coast Guard District, and furnish appropriate district commander(s) a copy of each agreement made. Forward a copy of all agreements to Commandant (G-OPB-2) upon execution.

3. REVIEW OF STATE LAWS AND REGULATIONS.

- a. Discussion. Commandant (G-OPB) will continually review State boating laws and regulations to ensure compliance with Federal requirements. With certain exceptions, 46 U.S.C. 4306 preempts State laws that establish recreational vessel or associated equipment performance or other safety standards or impose requirements for associated equipment that are not identical to regulations prescribed under 46 U.S.C. 4302. Even in those areas where there are no Federal regulations, States cannot regulate recreational vessels, associated performance, or other safety standards. However, 46 U.S.C. 4306 permits States to regulate the use or carrying of marine safety articles if there is a uniquely hazardous condition within the State and the Secretary (through the Commandant) does not object to that regulation. Finally, even absent a uniquely hazardous condition, 46 U.S.C. 4305 allows the Secretary (through the Commandant) to permit State regulations (waive preemption) of recreational vessel safety where the Secretary determines that recreational vessel safety will not be adversely affected by the regulations. The Commandant has waived preemption for State equipment carriage requirements in effect prior to 10 August 1971. Commandant (G-OPB) will advise the States in writing of any discrepancies in their laws, specifically pointing out those portions that are subject to 46 U.S.C. 4306, and those areas that might make the States ineligible for Federal financial assistance. A copy of such correspondence shall be forwarded to the cognizant district commander(s).

- b. Responsibility. District commanders (or their designees) shall, when deemed appropriate, attend State legislative hearings to testify [Depending on the circumstances of each request, a determination should be made based on who has relevant knowledge of the subject in question and allocation of resources].
- 4. FINANCIAL ASSISTANCE PROGRAM. State authorities will submit applications for Federal financial assistance and financial reports to Commandant (G-OPB-2). The participating States have copies of the Federal Regulations, Office of Management and Budget Circulars, and Coast Guard guidelines governing the administration of the National Recreational Boating Safety Federal Financial Assistance Program. Copies of these guides are available upon request. Commandant (G-OPB-2) is responsible for the determination of State allocations, approval of applications, execution of financial agreements, and actual payment of funds to the States.
- 5. NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS (NASBLA).
 - a. Purpose. NASBLA is the recognized national body of State, the District of Columbia, and U.S. Territory representatives concerning boating safety matters. The stated purpose of the association is to promote boating safety by providing a medium for the exchange of views and experiences; by fostering interstate and Federal/State cooperation and coordination in boating safety problems; by promoting greater uniformity in laws and regulations; by increasing efficiency in administration and enforcement of boating laws and regulations; and, to the extent feasible and desirable, by promoting a consensus of State views on any subject within the purview of the association.
 - b. Regional Associations. There are three regional associations of State Boating Law Administrators that generally subscribe to the stated purpose of the national body. These associations were organized to address boating problems that frequently are only of regional interest, and to permit a closer, more direct relationship among the States in the various regions

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- c. Responsibility. The Coast Guard will be represented at the national meeting of NASBLA by personnel from Commandant (G-OP). Representation from the districts is essential to ensure a close working relationship between the States and districts. If possible, the district commander is encouraged to attend. Representation at regional meetings will generally consist of personnel from Commandant (G-OPB-2), Program Development and Implementation Division; and RBS (Recreational Boating Safety) Specialists from the districts within the region. Commandant (G-OPB) is the Headquarters contact for Headquarters/District coordination purposes.

FEDERAL/STATE RECREATIONAL BOATING SAFETY
COOPERATIVE AGREEMENT

STATEMENT OF UNDERSTANDING BETWEEN THE STATE OF _____ AND THE UNITED STATES COAST GUARD.

1. PURPOSE: To define the relationship between the State of _____ and the United States Coast Guard in the conduct of recreational boating safety programs, including the mutual enforcement of laws relating to recreational boating safety on waters within the concurrent jurisdiction of the State and the United States.
(Self-explanatory.)
2. BASIC GUIDELINES:
 - a. The State and the United States exercise concurrent jurisdiction over those waters within the jurisdiction of the State that are also waters subject to the jurisdiction of the United States, except as to matters preempted by Federal law. (Reflects jurisdiction under 46 U.S.C. 4301 and Federal Water Pollution Control Act (FWPCA), as amended.)
 - b. The State has exclusive jurisdiction over those waters within the State that are not waters subject to jurisdiction of the United States or waters of the United States. (Reflects jurisdiction under 46 U.S.C. 4301 and FWPCA, as amended.)
 - c. This understanding does not abrogate or limit the jurisdiction of the State or the United States. (Reflects the intent of 46 U.S.C. 4301 and reemphasizes that jurisdiction cannot be modified by administrative agreement.)
 - d. All vessels equipped with propulsion machinery, except vessels exempt under the provisions of 33 CFR Part 173.11 or vessels documented or required to be documented by the Coast Guard, that are principally operated on waters subject to the jurisdiction of the State of _____ are subject to the numbering laws of the State.
(Self-explanatory.)

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- e. The State shall, to the fullest extent practicable, endeavor to conform its laws, rules and regulations with Federal law, subject to the Federal preemption provisions contained in 46 U.S.C. 4306. The Coast Guard (G-OPB-2) and the State shall promptly furnish to each other the text of any proposed or enacted law, rule or regulation having to do with numbering, titling, equipping or operating vessels that are the subject of this Agreement and any administrative interpretations thereof.
(The Coast Guard must work closely with State officials to achieve uniformity using Federal law as the standard.)

- f. The Coast Guard and the State will provide each other a copy of statistical and other data pertinent to the matters agreed to herein.
(The transfer of information between parties of the Agreement will provide a means to assess overall the status of boating safety initiatives within each State.)

3. TERMS OF UNDERSTANDING.

a. **Law Enforcement.**

- (1) The State has primary recreational boating safety law enforcement responsibility within concurrent jurisdiction areas. In these waters the United States has exclusive responsibility for the enforcement of vessel inspection and related Federal statutes applicable to non-recreational vessels.

(The core of the understanding permits States to plan orderly boating enforcement programs knowing Coast Guard will not duplicate their efforts. This section may be used to divide primary enforcement or alternating patrol areas as determined.)

- (2) In order to provide the most effective law enforcement possible with the vessels and personnel available and to avoid duplication of efforts in a given area at a given time, the (State BLA) of the State of _____ and the district commander of the _____ Coast Guard District shall coordinate or arrange for coordination of law enforcement patrols on waters subject to concurrent jurisdiction.
- (3) Numbering violations observed by Coast Guard boarding officers will be referred to the State of _____ for processing. In addition, other recreational boating violations may be referred to the State at the discretion of the District Commander.

- (4) Violations of Federal safety standards for boats and associated equipment detected by State marine law enforcement officers will be reported to the Coast Guard for disposition.
(Reflects the law.)
- (5) Violations of vessel inspection or related Federal laws by non-recreational vessels that are observed by State marine law enforcement officers will be reported to the Coast Guard for disposition.
(Reflects the law.)
- (6) When a complaint is made to the Coast Guard alleging an offense that is a violation of the State recreational boating laws or regulations, the Coast Guard will normally refer the complaint to the proper State or local authority in the appropriate State jurisdiction. Similarly, when a complaint is made to the State of a violation of any vessel laws or regulations within the exclusive jurisdiction of the United States, the State will refer the complaint to the Coast Guard.
(This permits complaints of negligent operation, operating a vessel while intoxicated, or other violations to be referred to State officials.)
- (7) A State marine law enforcement officer or Coast Guard boarding officer will not normally board a vessel for inspection if the operator produces evidence of a recent satisfactory State or Coast Guard examination or the vessel displays a current Coast Guard Auxiliary Courtesy Marine Examination or State inspection decal. However, notwithstanding a recent satisfactory examination, boarding will be undertaken when there are indications of a violation of U.S. or State statutes or regulations, or as part of a special local enforcement operation.
(Encourages public acceptance of voluntary inspection programs and prevents harassment of boat operators. The portion to require honoring of the Auxiliary decal is highly desirable but may be omitted where such inclusion would preclude agreement because of State objections.)
- (8) A Coast Guard boarding officer who has observed a violation of a State boating law or regulation, or a State marine law enforcement officer who has observed a violation of vessel inspection law or other regulations of the United States, will generally be made available to testify for the State or Federal prosecution for the observed offense or to testify in any other proceeding relating to the violation.

(Cases involving criminally negligent operation or operating a vessel while intoxicated are complicated to prosecute in Federal court and the Coast Guard civil penalty process can be time-consuming. Hence, State criminal prosecution offers many advantages in promoting safe boating. In other situations, the Federal penalty will be more in line with the facts of the case and it may serve justice to prosecute the case in Federal courts. In either case, close cooperation is needed to fully satisfy the requirement to enhance boating safety.)

b. **Boating Under the Influence.**

- (1) A common goal of the Coast Guard and the State is to rid the waterways of boaters operating under the influence of alcohol or a dangerous drug in violation of a law of the United States. To this end, the State and the Coast Guard agree to coordinate their Boating Under the Influence (BUI) enforcement efforts so that the most effective enforcement option is executed in each case, and each will encourage the establishment of mutual assistance and cooperative agreements between Coast Guard and State law enforcement officials operating in the same area.
- (2) In the course of normal operations, the Coast Guard may detect a boat operator suspected of BUI within State waters where concurrent jurisdiction exists. When this occurs, the Coast Guard may administer field sobriety tests to the operator, including a chemical analysis of the operator's breath if this is within State guidelines for prosecution.
- (2) If the operator is alone and believed to be under the influence of alcohol or drugs, the Coast Guard will:
 - (a) Attempt to notify State enforcement officials, terminate the voyage and bring the vessel to the nearest safe mooring where a telephone is available. Ensure an operator under the influence does not operate a vessel (in order to resolve the threat of harm to self and others).
 - (b) Document the case completely for whichever jurisdictional prosecution is followed (State arrest, Federal arrest or civil penalty).
 - (c) Discuss enforcement options available for the particular case with State enforcement officials.
 - (d) Make a determination of which option(s) to select and proceed with prosecution.

- (e) If the State enforcement official proceeds with prosecution, provide case documentation and appropriate witnesses to pursue prosecution.
- (4) The Coast Guard will, as operations permit, respond to calls for assistance from State enforcement agencies with respect to BUI enforcement.
- (5) Toward a common goal of removing a boat operator suspected of BUI from the waterways, State enforcement agents will, as operations permit:
 - (a) Respond to calls for assistance from the Coast Guard with respect to BUI enforcement.
 - (b) Determine the extent of assistance the State can offer and advise the Coast Guard.
 - (c) Provide appropriate assistance within the agency's operational, logistical and legal constraints.
 - (d) Provide local Coast Guard commands with a point of contact to facilitate and enhance mutual enforcement efforts and concerns.

c. **Public Education and Training.**

- (1) The parties will cooperate in public education and safety information programs. The State will distribute any Federal boating publications as agreed upon through its home and field offices. The Coast Guard will distribute any State applications and forms for motorboat numbering, State casualty report forms, and State boating pamphlets which are made available for that purpose by the State of _____.
- (2) The Coast Guard will furnish to the State information concerning the time and place of public education courses within the State that are sponsored by the U. S. Coast Guard Auxiliary. The State will advise the Coast Guard of public education courses offered to the boating public. The parties will cooperate in developing public boating safety education program(s) to be used within the State.
(This will provide the basis for educational understanding and may be expanded, or covered in a separate Cooperative Agreement with the Coast Guard Auxiliary.)
- (3) The Coast Guard will provide boating safety instructor training for State law enforcement personnel through the National Boating Safety Instructors Course (NBSIC) located at Reserve Training Center, Yorktown, Virginia on an "as available" basis. Similarly, the State will provide to the Coast Guard, on an "as available" basis, instructors and facilities for the training of Coast Guard personnel. In addition, safe boating and/or boat handling programs may be arranged with Coast Guard Auxiliary resources.

(Provides a common training ground for Federal and State law enforcement personnel, and fosters a close working relationship among the various agencies involved with the enforcement of boating and related laws.)

d. **Boating Casualty/Accident Reports and Investigative Reports.**

- (1) The State agrees to investigate all recreational boating fatalities. The Coast Guard may investigate accidents involving fatalities on vessels used on waters of joint or federal jurisdiction, including the high seas if, in the sole discretion of the Coast Guard, the case warrants further investigation.
- (2) For the purposes of this agreement, a boating casualty or accident is defined as an incident involving a fatality, a disappearance, a personal injury that requires medical treatment beyond first aid, damage to a vessel and other property totaling more than \$500, or the total loss of a vessel.
- (3) The State shall review all accident reports for accuracy and completeness and shall determine the cause and circumstances surrounding each reportable accident, including whether or not alcohol or drugs were a factor.
- (4) The State shall abstract accident data from each boating accident report form and enter such data into the boating accident report database (BARD), which was developed in cooperation with the National Association of State Boating Law Administrators (NASBLA). The State agrees to ensure the quality of data entry is accurate and complete, providing for a successful data transfer into the national BARD located at Coast Guard Headquarters.
- (5) An electronic copy of the State's accident and investigative report data, including any alcohol/drug test results, shall be forwarded to the Office of Command and Control Architecture (G-OCC-2) at Coast Guard Headquarters within 30 days of receipt of the initial casualty or accident report. States without electronic data transfer technology may forward copies of the accident and investigative reports to G-OCC-2. The Coast Guard will review the reports and investigations received for appropriate action.

e. **Search and Rescue.**

- (1) On State waters that are not within the jurisdiction of the United States, the State has exclusive responsibility for providing search and rescue service. On State waters subject to the jurisdiction of the United States, the State and the Coast Guard have joint responsibility. The Coast Guard will concentrate activity on coastal waters, harbor areas, and inland water areas in the vicinity of Coast Guard facilities. On other waters subject to concurrent jurisdiction, Coast Guard planners will look primarily to search and rescue facilities provided by the State and its political subdivisions.

(Clarifies the relationship of Coast Guard/State authority in search and rescue matters.)

- (2) The State and the Coast Guard agree to coordinate their search and rescue operations so that the most effective assistance will be rendered to those in distress on the waters within the State. To this end, each will encourage the establishment of mutual assistance and cooperative arrangements between Coast Guard and State facilities that are established in the same area. The competent authority for providing Federal search and rescue assistance on the Federal waters within the State is the Commander, _____ Coast Guard District, (Address). This authority is exercised through Rescue Coordination Center (RCC) (Location), telephone number _____. The competent authority for exercising coordination of State search and rescue activities on waters within the State is _____, telephone number _____ (or other means of contact).
(Provides agreement on coordination of effort and identifies the SAR agents of the State and the Coast Guard.)
- (3) The State and the Coast Guard agree to actively support and participate in local search and rescue workshops, water safety councils and other such organizations to foster closer cooperation and coordination among State and local agencies, Federal agencies and others who have an interest or responsibility in search and rescue matters.
(Provides agreement on joint support of local water safety bodies.)

f. **Coast Guard Auxiliary.**

- (1) Under Section 141 of Title 14 United States Code, the services of members of the Coast Guard Auxiliary may be used to assist the State in the promotion of boating safety and other activities for which Auxiliarists are especially qualified, when requested by proper State authority. The State fully supports the Coast Guard Auxiliary's programs, in particular, those to do with Courtesy Marine Examination, safety patrols and public education. The State welcomes the presence of the Auxiliary on all waters for these purposes.
- (2) On those occasions when assistance by the Coast Guard Auxiliary is expressly desired by the State for a specific purpose, such requests for assistance will be initiated by competent authority in the State (BLA or other designee) and will be directed to the Director of Auxiliary, (Coast Guard District). Such requests will be submitted not less than 14 days in advance to permit processing and coordination.

g. **Regattas and Marine Parades.**

- (1) The authorization and regulation of regattas and marine parades upon navigable waters of the United States that are subject to the concurrent jurisdiction of the State shall be within the province of the State when, in the opinion of the district commander, the State is able to regulate, under State law, in such a manner as to ensure safety of life. However, the regulations issued by the State may not impede the operation of other vessels, commercial or recreational, operating on waters subject to the jurisdiction of the United States.
- (2) For the purposes of this agreement, the terms "regatta" and "marine parade" both mean an organized water event of limited duration that is conducted according to a prearranged schedule.
- (3) Regattas and marine parades shall be administered in accordance with 33 CFR Part 100. The Coast Guard will provide to the State a copy of any notice of event or permit application that it receives for all events occurring on waters of concurrent jurisdiction. In turn, the State will provide to the Coast Guard a copy of any notice of event or permit application that it receives for all events occurring on waters subject to concurrent jurisdiction.
- (4) The district commander of the applicable Coast Guard district reserves the right to assume primary responsibility for any regatta or marine parade on navigable waters of the United States when he deems such action to be in the public interest. Events of this type may include, but are not limited to:
 - (a) Regattas or marine parades of such size as to require patrols that the district commander knows to be in excess of the resources available to the State, or
 - (b) Those events on waterways where commercial or other traffic will be substantially impeded.

4. LIAISON: Liaison shall be as follows:

FOR THE STATE OF _____

(NAME)_____

(TITLE)_____

(ADDRESS)_____

(TELEPHONE)_____
FOR THE UNITED STATES

(NAME)_____
RBS Specialist

Coast Guard District

(ADDRESS)_____

(TELEPHONE)_____

(Self explanatory. The goal is three liaison visits with each State per year. This can be accomplished by personal visit to each State, meetings at the district office, or attendance at the regional and national conferences of NASBLA. Assistance in drafting or revising statutes, rules, and regulations should be supervised by the legal counsel of the liaison officers.)

5. DURATION OF AGREEMENT.

- a. This agreement will be reviewed two years from the date signed and every two years thereafter. If the terms of the agreements remain acceptable to both parties, an endorsement, signed by both parties, will be attached. Parties can amend anytime by mutual written agreement. Every amendment is to be attached to the document, as well as a copy provided to Commandant G-OPB-2.
- b. This agreement remains in effect until canceled by either party. The canceling party will provide the other party with at least 30 days notice.

(The representatives who review the agreement need not actually meet in person. A telephone conference confirmed by a brief written statement of review will suffice.)

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STATE OF _____

By _____

TITLE _____

DATE _____

(The district commander shall attempt to have the agreement signed by the Governor or other high State official. This may add emphasis to the agreement and promote publicity to the boating public as to the existence of the Agreement.)

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

By _____

Rear Admiral, U.S. Coast Guard

Commander, _____ Coast Guard District

DATE _____

RESPONSIBLE DISTRICT COMMANDERS
FOR STATE BOATING LIAISON ACTIVITIES

<u>Responsible District Commander</u>	<u>States and Territories</u>	
<u>First Coast Guard District</u>	Connecticut	
	Maine	
	Massachusetts	
	New Hampshire	
	New York	
	Rhode Island	
<u>Fifth Coast Guard District</u>	Vermont	
	Delaware	
	Maryland	
	New Jersey	
	North Carolina	
	Pennsylvania	
<u>Seventh Coast Guard District</u>	Virginia	
	District of Columbia	
	Florida	
	Georgia	
	South Carolina	
	Puerto Rico	
<u>Eighth Coast Guard District</u>	Virgin Islands	
	Alabama	Nebraska
	Arkansas	New Mexico
	Colorado	North Dakota
	Illinois	Oklahoma
	Indiana	South Dakota
	Iowa	Tennessee
	Kansas	Texas
	Kentucky	West Virginia
	Louisiana	Wyoming
	Mississippi	
	Missouri	

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<u>Responsible District Commander</u>	<u>States and Territories</u>
<u>Ninth Coast Guard District</u>	Michigan Minnesota Ohio Wisconsin
<u>Eleventh Coast Guard District</u>	Arizona California Nevada Utah
<u>Thirteenth Coast Guard District</u>	Idaho Montana Oregon Washington
<u>Fourteenth Coast Guard District</u>	Hawaii Guam American Samoa Northern Marianas Trust Territory of the Pacific Islands
<u>Seventeenth Coast Guard District</u>	Alaska

It is recognized that some States are located in more than one district. In those cases, district commanders should be governed by paragraph 2.e.(3) of enclosure (1) of this Instruction.